

Application no. 10/034,851
Amendment dated: June 30, 2004
Reply to office action dated: March 31, 2004

REMARKS

Claims 1-9 and 17 are pending in the application. Claims 11-16 stand withdrawn from prosecution. Reconsideration and allowance of claims 1-19 and 17 are respectfully requested.

Rejection of claims 6 and 8 under 35 U.S.C. § 102

Claims 6 and 8 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. patent number 5,651,053 to Mitchell ("Mitchell"). Reconsideration and withdrawal of these rejections are respectfully requested.

Claim 6 includes limitations nowhere shown in Mitchell. For example, claim 6 recites

...the second computer code being further configured to produce a setup message for a call, the setup message including a calling party identification field set to the calling party directory number, a called party identification field set to a directory number associated with the called communication station and a redirecting element field set to a predetermined directory number

This limitation is nowhere shown, described or suggested by Mitchell. The Final Office Action asserts that this limitation is disclosed in Mitchell and paraphrases extensively from columns 2 and 3 of Mitchell. However, the noted portion of Mitchell contains no disclosure of producing a setup message having the recited properties.

The claimed setup message is unique and not disclosed in Mitchell. One embodiment of this limitation of claim 6 is shown at page 4, lines 10-21 of the application. A portion of a call setup message is shown there. As is known in the art of telecommunications, a Call Setup Message and its components are defined by Signalling System 7 or SS7. One of the components or data fields of a SS7 Call Setup Message is Redirecting Element 1, which is defined at page 9, lines 28-30 of the application: "The Redirecting Party ID is one of the data fields of an SS7 message communicated among components of the network." Other data fields are shown in the exemplary call set up message at page 4, lines 10-21 of the application and include a calling party identification field (Calling Party ID) and called party identification field (Called Party ID).

Application no. 10/034,851
Amendment dated: June 30, 2004
Reply to office action dated: March 31, 2004

Mitchell fails to disclose these limitations of claim 6 and the paraphrasing provided by the office action does not fill in the missing teaching. The office actions asserts "When a calling party [calling party identification] dials the phone number of a subscriber to the service, the call passes through the calling party's central office (CO) switch [calling party identification], into the network and to the subscriber's CO switch [called party identification]." The office action further makes reference to portions of Mitchell alleged to disclose other limitations such as the data fields of the call setup message of claim 6.

However, the office action fails to teach the content of those data fields, which is an important aspect of the invention. The application explains at page 10, lines 18-22:

At block 306, the CSN originates a new call to the directory number found in the redirecting element of the call setup message received from the SSP. The CSN originates a setup message with the Calling Party ID set equal to the original calling party and the Redirecting Element set equal to the directory number for the CSN. Thus, the setup message includes the following information.

Calling Party ID	DN of original calling party
Called Party ID	Total Control Subscriber DN
Redirecting Element 1	a unique 10 digit number assigned to the Total Control service

Reconfiguring the redirecting element in this manner will allow the SCP service logic to determine that the call is from the CSN and should be presented to the subscriber, rather than forwarded back to the CSN. If this parameter is missing, the call from the CSN would go into an indefinite loop and no calls would complete to the customer.

Thus, claim 6 is directed to a service node having computer code to produce a setup message with particular parameters. The content of the parameters or data fields is important to operation of the invention and is not shown, described or suggested by Mitchell.

A rejection under 35 U.S.C. § 102 may only be maintained if all elements of the claim are disclosed in the cited reference. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference...." "The identical invention must be shown in as complete detail as is contained in the ... claim." MPEP §2131. The Final Office action fails to show how "each and every element" of claim 6 is found in Mitchell. Since the Mitchell reference fails to disclose at least

Application no. 10/034,851
Amendment dated: June 30, 2004
Reply to office action dated: March 31, 2004

the quoted limitation above, the rejection of claim 6 under §102 may not be maintained. Withdrawal of this rejection is respectfully requested. Claims 7-9 are dependent from claim 6 and add further limitations thereto, and are allowable for the same reasons.

Rejection of claims 1-5 and 17 under 35 U.S.C. § 103

Claims 1-5 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent number 6,510,210 to Welch, et al. ("Welch") in view of Mitchell. Reconsideration and withdrawal of these rejections are respectfully requested.

Claim 1 includes limitations nowhere shown in Welch or Mitchell. For example, claim 1 recites

determining if call routing information for the call is marked presentation
restricted or presentation unavailable;

Two further method steps are contingent on the result of this determination of the presentation restriction condition of the call. As the present application explains at page 8, lines 23-25,

At the SCP, it is determined if the call is marked presentation restricted or presentation unavailable. This information is contained in a presentation restriction field of network messaging between the SSP and the SCP.

In one embodiment, SS7 message signaling is used between the SSP and the SCP.

Welch and Mitchell fail to disclose determining if a call is marked presentation restricted or presentation unavailable. The office action refers to Welch Figures 6 and 7 as disclosing this feature. However, neither the drawing figures nor the accompanying text disclose a step of making the specified determination. For example, Welch FIG. 6 step STP 2 provides for determining whether the calling party is anonymous or unknown. However, Welch does not show, describe or suggest *determining if a call is marked presentation restricted or presentation unavailable*.

For a rejection under 35 U.S.C. § 103 to be proper, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2141. Welch and Mitchell fail to disclose at least the limitations noted above. Therefore, the rejection under 35

Application no. 10/034,851
Amendment dated: June 30, 2004
Reply to office action dated: March 31, 2004

U.S.C. § 103 of independent claim 1 may not be maintained. Claims 2-5 and 17 are dependent from claim 1 and add further limitations thereto, and are allowable for the same reasons.

Withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,



John G. Rauch
Registration No. 37,218
Attorney for Applicant

June 30, 2004
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200